



*Office of the Chief Clerk*

**CONGRESS OF THE FEDERATED STATES OF MICRONESIA**

P.O. Box PS 3

Palikir, Sokehs Pohnpei State, FM 96941

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March 31, 2021

The Honorable Wesley W. Simina  
Speaker  
FSM Congress  
Palikir, Pohnpei FM 96941

Dear Speaker Simina:

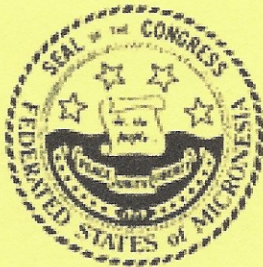
I transmit herewith a certified copy of Congressional Resolution No. 21-252, which was adopted by the Twenty-First Congress of the Federated States of Micronesia, Tenth Special Session, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessicalynn Reyes". The signature is stylized with a large, looping initial "J" and a long horizontal stroke extending to the right.

Jessicalynn Reyes  
Chief Clerk  
Congress of the  
Federated States of Micronesia

Enclosures



TWENTY-FIRST CONGRESS OF THE  
FEDERATED STATES OF MICRONESIA  
TENTH SPECIAL SESSION  
MARCH 22 – 31, 2021

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# A RESOLUTION

TO FURTHER AMEND THE PRESIDENT'S PUBLIC HEALTH EMERGENCY  
DECLARATION DATED JANUARY 31, 2020, AS AMENDED ON FEBRUARY 7, 2020,  
AND FURTHER AMENDED ON MARCH 11, 2020, APRIL 17, 2020, MAY 30, 2020,  
JULY 10, 2020, AUGUST 20, 2020, NOVEMBER 25, 2020, AND JANUARY 29, 2021.

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INTRODUCED BY SENATOR: FERNY S. PERMAN

DATE: MARCH 22, 2021

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ADOPTED: MARCH 31, 2021

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A handwritten signature in black ink, appearing to read "Jessicalynn Reyes", is written over a horizontal line.

Jessicalynn Reyes  
Chief Clerk, FSM Congress

TWENTY-FIRST CONGRESS OF THE FEDERATED STATES OF MICRONESIA

TENTH SPECIAL SESSION, 2021

CONGRESSIONAL RESOLUTION NO. 21-252

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A RESOLUTION

To further amend the President's Public Health Emergency Declaration dated January 31, 2020, as amended on February 7, 2020, and further amended on March 11, 2020, April 17, 2020, May 30, 2020, July 10, 2020, August 20, 2020, November 25, 2020, and January 29, 2021.

1       WHEREAS, on January, 31, 2020, the President issued a  
2 Public Health Emergency Declaration; and

3       WHEREAS in accordance to Article X, Section 9 (c) of the  
4 FSM Constitution, Congress has the sole authority to revoke,  
5 amend or extend the Public Health Emergency Declaration; and

6       WHEREAS, Congress is currently convened for its Tenth  
7 Special Session and therefore has the powers under the  
8 Constitution to revoke, amend or extend the Declaration; and

9       WHEREAS, Congress has reviewed the Declaration, the  
10 amendments, the clarifications and the decrees issued by the  
11 President and has reviewed updated information on the COVID-19  
12 becoming a pandemic soon after the adoption of the March 11,  
13 2020, amendment to the January 31, 2020, declaration, the facts  
14 attending to the declaration, amendments, clarifications and  
15 decrees, and has had several public hearings and has met and  
16 conferred with the President and has considered the President's  
17 requests for Congressional action; now, therefore,

18       BE IT RESOLVED by the Twenty-First Congress of the  
19 Federated States of Micronesia, Tenth Special Session, 2021,

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1 that:

- 2           (1) Pursuant to Article X, Section 9 (c) of the FSM  
3           Constitution, Congress has the exclusive  
4           authority to revoke, amend or extend the  
5           Emergency Declaration. The President may not  
6           revoke, amend or extend the Emergency  
7           Declaration. However, should there be a  
8           confirmed case of COVID-19 within the FSM, the  
9           President is authorized to amend the Declaration  
10          to respond to this situation only.
- 11          (2) Pursuant to Article X, Section 9 (a) of the FSM  
12          Constitution, the President may issue  
13          appropriate decrees related to the Emergency  
14          Declaration, other than to revoke, amend or  
15          extend the Emergency Declaration. Unless and  
16          until this Emergency Declaration is revoked by  
17          Congress, or it expires of it's own term, the  
18          President may not issue an additional or new  
19          Emergency Declaration to address the ongoing  
20          COVID-19 Pandemic. The purported declaration  
21          issued on March 14, 2020 by the President is  
22          null and void and all purported amendments,  
23          decrees and clarifications made pursuant to the  
24          purported declaration are also null and void.  
25          Most of the contents of the purported March 14,

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2020 declaration and subsequent decrees thereof are incorporated herein for clarity and comity purposes. The contents thereof which are not inconsistent or contradictory to the January 31, 2020 declaration as amended and as further amended hereinby Congress are hereby deemed ratified as to their effectiveness and implementation, relating back to their date of issuance or implementation.

(3) The President is urged to coordinate and consult with the state governors and their task forces, with a view towards setting a national standard of social distancing measures, and the National Task Force shall support the states mandated implementation of the guidelines. The social distancing standards and measures shall be widely publicized throughout the nation.

(4) The Public Health Emergency Declaration in the FSM dated January 31, 2020, is hereby further amended to read:

WHEREAS, the World Health Organization (WHO) has declared on January 30, 2020 (January 31<sup>st</sup> 2020 Pohnpei time) that the new Coronavirus (COVID-19) is a Public Health Emergency of International Concern (PHEIC); and

WHEREAS, the WHO has declared on March 11, 2020, (March 12,

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1 2020 Pohnpei time) that COVID-19 is a pandemic and this occurred  
2 after Congress adopted its March 11, 2020 amendment to the  
3 January 31, 2020 declaration; and

4 WHEREAS, the COVID-19 Pandemic exposes the FSM to an  
5 undeniable vulnerability from the imminent and likely entry of  
6 the virus to the islands unless the FSM National Government and  
7 the State Governments resolves to implement effective and  
8 uniform counter measures to combat the spread of this rare and  
9 deadly virus across all of our states; and

10 WHEREAS, the National Government must mitigate the risk  
11 factors associated with the undesirable spread of COVID-19  
12 anywhere in the FSM, and for this purpose, the FSM must fast-  
13 track nationwide, unified capacity building efforts - which  
14 remain in progress, intensify the surveillance and monitoring of  
15 international airports and seaports in the country, and maintain  
16 quarantine and travel restrictions, together and as a whole,  
17 comprising the national efforts of combatting the spread of  
18 COVID-19 as other countries around the world are doing; and

19 WHEREAS, the number of countries with confirmed and suspected  
20 cases of COVID-19 keeps increasing and the number of deaths due to  
21 COVID-19 have intensified with no signs of receding in the near  
22 future; and

23 WHEREAS, the citizens and residents of the FSM remain  
24 extremely vulnerable to this outbreak, taking into consideration  
25 the fact that airline travel routes connecting into the FSM

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1 already have confirmed cases of COVID-19 in Hawaii and Guam and  
2 COVID-19 may very likely cause massive and widespread illnesses  
3 and public health disasters that are beyond the ability and  
4 present resources of the FSM National and State Governments to  
5 contain; and

6 WHEREAS, given the unrelenting global spread of COVID-19,  
7 and the reality that is already a pandemic, it becomes a matter  
8 of legal duty and obligation of the National Government of the  
9 FSM, its leadership and all officials of this Nation, to take  
10 all the emergency precautions, measures and interventions as a  
11 matter of acute emergency and necessity, in order to protect and  
12 save lives of our citizens, especially the most vulnerable  
13 members of our population, the elderly, the sick and the  
14 children;

15 NOW THEREFORE, I, David W. Panuelo, President of the  
16 Federated States of Micronesia, pursuant to the authority vested  
17 upon me under Article X, Section 9 of the FSM Constitution, do  
18 hereby place the entire territory of the Federated States of  
19 Micronesia under a state of emergency to address the effects of  
20 COVID-19 and order as follows:

21 (1) Immediately, all ports of entry of the FSM shall  
22 be strengthened and are immediately placed under  
23 strict monitoring and surveillance to ensure  
24 that the potential carriers of COVID-19 do not  
25 enter into the FSM. All travellers must be

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1 prohibited from entering into the FSM for as  
2 long as the COVID-19 Pandemic persists. Rare  
3 exceptions may be granted on a case-by-case  
4 basis, for certified health experts,  
5 technicians and workers assigned to assist the  
6 FSM with respect to COVID-19, returning medical  
7 referral patients, including if applicable, the  
8 remains of a deceased and the medical and/or  
9 family attendants and immediate family members  
10 and FSM governmental officials whose duties are  
11 critical, vital and indispensable to the  
12 functioning of any branch of any FSM state or  
13 the FSM national government and any person  
14 arriving in the FSM on an air or sea vessel,  
15 who is assessed by FSM medical personnel as  
16 needing urgent medical care, premised upon  
17 prior favorable advice, assessment and  
18 recommendation by the FSM Emergency Task Force,  
19 in consultation with the state task forces, and  
20 subject to all screening, detection, quarantine  
21 and isolation procedures and protocols of the  
22 State of destination.

- 23 (5) Other citizens, nationals and residents of the  
24 FSM are strongly advised against travel to any  
25 country, state or territory with confirmed

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1 cases of COVID-19, with the understanding that  
2 they may be prohibited from re-entry or may be  
3 subject to quarantine procedures upon return to  
4 the FSM.

5 (6) Travel by air or sea between and within the FSM  
6 states is permitted for: essential personnel as  
7 determined by the state for whom the personnel  
8 is needed; people who are returning to their  
9 state of residence, employment, or location of  
10 their educational institution; or for a family  
11 emergency. However, if there is a confirmed  
12 case of COVID-19 within any FSM state, the  
13 National Task Force, upon consultation with the  
14 State Task Forces, may temporarily suspend  
15 interstate travel. Only air and sea travel that  
16 originates within the FSM states, by domestic  
17 air or sea carriers, is permitted, and any  
18 travel that originates outside of the FSM is not  
19 permitted, except as provided in this  
20 Declaration. Flights originating in Guam or  
21 Hawaii or any other affected area are not  
22 permitted and ships originating from any  
23 affected area are not permitted. All passengers  
24 will be screened at the airport or seaport  
25 prior to check in or boarding and are subject

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1 to health screening procedures in the FSM  
2 state of destination. Any passenger exhibiting  
3 symptoms of COVID-19 will not be permitted to  
4 board the plane or ship. Any passenger that  
5 develops symptoms during transit will be  
6 permitted to enter at their final destination,  
7 but will subject to quarantine/isolation  
8 requirements.

9 (7) Because of the lack of available quarantine and  
10 isolation facilities within the FSM, no  
11 passengers shall be permitted to disembark into  
12 the FSM from any air or sea vessel that  
13 originates outside the FSM, subject to the  
14 exceptions in Section 4, for FSM citizens  
15 international travel and Section (9) for  
16 commercial sea vessels.

17 i. However, the National Task Force shall work  
18 in consultation with each of the states for the  
19 purpose of establishing and further developing  
20 their quarantine and isolation facilities  
21 standards and capabilities. When the  
22 facilities within any of the states are  
23 developed to acceptable standards, the states  
24 will work with the National Task Force to  
25 develop a plan for repatriation of FSM

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1 citizens, FSM students and the return of FSM  
2 residents. The repatriation of FSM citizens  
3 shall be prioritized and only after our  
4 citizens have been repatriated, further plans  
5 may be implemented to allow for non-citizens to  
6 enter the FSM. However, after all FSM citizens  
7 who are on medical referral or are receiving  
8 medical treatment outside the FSM, and their  
9 medical attendants have been repatriated, an  
10 exception may be made to allow for the entry of  
11 the ambassadors of foreign embassies and the  
12 heads of missions of non-government  
13 organizations with diplomatic status, on a case  
14 by case basis, upon consultation and approval  
15 of the National Task Force and State Task  
16 Force. Any diplomat seeking entry into the FSM  
17 shall under go all quarantine requirements,  
18 including the mandatory 14-day hotel pre-  
19 quarantine and including 2 negative COVID-19  
20 tests prior to being able to depart for the  
21 FSM. There shall be no modifications or  
22 exceptions to these requirements. The National  
23 Task Force shall work with international air  
24 carriers to notify them of the procedures that  
25 will be followed including scheduling of

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1 arrivals, pre-screening, screening upon arrival  
2 and quarantine and isolation requirements.

3 ii. The authority to regulate foreign and  
4 interstate commerce is expressly granted to  
5 Congress in the Constitution, FSM Const. art.  
6 IX, § 2(g). FSM Const. art. XIII§ 3. requires  
7 the national and state governments to uphold the  
8 provisions of the Constitution and to advance  
9 the principles of unity upon which the  
10 Constitution is founded. These travel  
11 restrictions may not be amended by the states;  
12 they may only be amended by Congressional  
13 Resolution if Congress is in session, or by  
14 written communication signed by the majority of  
15 the Committee of Health and Social Affairs if  
16 Congress is not in session.

17 (8) Commercial sea vessels (defined as: fishing  
18 vessels, cargo vessels and oil tankers)  
19 traveling to the FSM for the purpose of trade  
20 and commerce, are subject to the following:

21 a. Commercial sea vessels are required to  
22 abide at all times with the precautionary  
23 measures and protocols set by the FSM  
24 National Government in coordination with the  
25 National and State task forces.

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- 1                   (9) Fishing vessels, other than the domestic  
2                   fleet, are subject to the following:
- 3                   a. All transshipment activities are to be  
4                   carried out in designated transshipment  
5                   areas to be identified by the National  
6                   Oceanic Resource Management Authority  
7                   (NORMA). A designated transshipment area  
8                   will be in port areas or in territorial  
9                   waters beyond the three nautical miles zone  
10                  from baselines. NORMA shall issue  
11                  appropriate guidelines regulating the  
12                  transshipment.
- 13                  b. Carrier vessels supporting transshipment  
14                  activities of the domestic fleets are  
15                  permitted to enter the anchorage area for  
16                  transshipping purposes only, subject to  
17                  state health screening procedures.
- 18                  c. Longline (LL) fishing vessels are allowed  
19                  to come to port for transshipment purposes,  
20                  subject to the additional measures  
21                  established by NORMA for the avoidance of  
22                  COVID-19, and observing the following  
23                  guidelines:
- 24                  i. Fresh LL fishing vessels are allowed to  
25                  transship at port; PROVIDED, THAT, there

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1 shall be no contact at anytime prior to  
2 the transshipment.

3 ii. Frozen LL fishing vessels are allowed to  
4 transship at port; PROVIDED, THAT, the  
5 fishing vessels observe the 14-day  
6 quarantine at sea, and no crewmembers  
7 are allowed to disembark at port. The  
8 14-day quarantine is counted from the  
9 date of last contact.

10 iii. For the purpose of Section (b) hereof,  
11 and any part of this decree where its  
12 application is deemed relevant,  
13 "contact" refers to human interaction of  
14 less than four (4) feet between a  
15 crewmember of one fishing vessel and  
16 another crewmember of another fishing  
17 vessel, or any other human to human  
18 contact external to fishing vessel  
19 operations.

20 iv. Bartering, trading and local sale of  
21 fish are prohibited. No person is  
22 allowed to approach, in the  
23 transshipment and Anchorage area, any  
24 fishing vessel, or have any contact  
25 therewith, at any time during the

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1                   effective period of this declaration.

2                   d. Domestic fishing vessels are allowed to call  
3                   port in the FSM States for repair,  
4                   maintenance and provisioning purposes at the  
5                   Anchorage area, and shall remain in the  
6                   Anchorage area during repairs, maintenance  
7                   and provisioning. For the purposes of this  
8                   section, domestic fishing vessels are  
9                   fishing vessels that are flagged in the FSM  
10                  or have a base of operation anywhere in the  
11                  FSM States. On a case by case basis, NORMA  
12                  may, in consultation with the states, grant  
13                  approval for required repairs and  
14                  maintenance to be completed at the dock for  
15                  any repairs or maintenance that cannot be  
16                  carried out at the anchorage area, subject  
17                  to no human-to-human contact during said  
18                  repairs. A written plan outlining the  
19                  safety procedures that will be followed must  
20                  be submitted to NORMA for approval at least  
21                  72 hours prior to the requested repairs.

22                  e. With respect to transshipment at sea,  
23                  Immigration and Customs clearance procedures  
24                  shall be conducted electronically with the  
25                  intention of avoiding or minimizing contact.

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1           For the duration of the emergency procedure  
2           concerning transshipment at sea, quarantine  
3           procedures are suspended until further  
4           notice.

5           f. Transshipment at sea shall be monitored  
6           thoroughly by the relevant national  
7           department or agency, in particular, the  
8           Department of Justice (DOJ) and NORMA, to  
9           ensure compliance with this directive.  
10          NORMA and DOJ, on behalf of the National  
11          Emergency Task Force, shall coordinate with  
12          the State authorities to ensure that the  
13          transshipment activities are not unduly  
14          delayed or interfered with by any State-  
15          mandated procedures.

16          g. It is part of these requirements that 72  
17          hours prior to transshipment, notice shall  
18          be provided in advance to NORMA and DOJ  
19          using applicable forms of reporting.  
20          Included in the notice are the body  
21          temperatures of all crewmembers of the  
22          fishing vessels intending to transship,  
23          taken at 24-hour intervals prior to  
24          transshipment. (at 72 hours, at 48 hours and  
25          at 24 hours). Information on body

1                   temperatures may be shared with the State  
2                   authorities for health assessment and  
3                   coordination purposes.

4                   h. These restrictions are a temporary emergency  
5                   measure, which shall remain in effect until  
6                   further notice. Any violation of these  
7                   restrictions shall be subject to penalty set  
8                   by law pursuant to 11 F.S.M.C. §803. The  
9                   Secretary of Justice is ordered to take all  
10                  measures available within the law to ensure  
11                  enforcement of these restrictions.

12               (10) A task force is hereby established to  
13                  coordinate all activities that need to be  
14                  undertaken and measures that must be formulated  
15                  and uniformly implemented in connection with  
16                  the COVID-19 Pandemic. The Department of Health  
17                  and Social Affairs is designated as the lead  
18                  department and chair of the Task Force, which  
19                  will be responsible for setting up plans to  
20                  provide any necessary measures that will ensure  
21                  that the movement of people and international  
22                  travellers do not cause the introduction of  
23                  COVID-19 anywhere in the FSM. The members of  
24                  the Task Force are the following:

25                  a. Department of Environment, Climate Change

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- 1 and Emergency Management (DECCEM);
  - 2 b. Department of Foreign Affairs;
  - 3 c. Department of Finance and Administration;
  - 4 d. Department of Transportation,
  - 5 Communications and Infrastructure (TC&I);
  - 6 e. Department of Justice;
  - 7 f. Department of Resources and Development
  - 8 (R&D);
  - 9 g. Department of Education;
  - 10 h. FSM Division of Immigration;
  - 11 i. Representatives of the Private Sector;
  - 12 j. Representatives of State Governments as
  - 13 recommended by the State Governors;
  - 14 k. Development Partners;
  - 15 l. Representatives of Faith Groups; and
  - 16 m. Representatives of Traditional Leaders.
- 17 (11) The Task Force shall convene immediately upon
- 18 issuance of this order and provide the
- 19 President with timely reports and updates.
- 20 (12) Up to the sum of \$700,000, received as balance
- 21 and available under the Disaster Relief Fund
- 22 (DRF) accounts set up under Title 55 of the
- 23 Code of the Federated States of Micronesia
- 24 (Annotated), from prior declarations of
- 25 emergencies, is hereby decreed for this Public

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1 Health Emergency Declaration. This fund shall  
2 be used in any manner necessary to deal with  
3 the public health emergency, including the  
4 mitigation of costs for people affected by the  
5 travel ban instituted by the emergency  
6 declaration. The Emergency Task Force shall  
7 develop suitable criteria for the mitigation of  
8 costs for President's approval.

9 (13) Other funds received from foreign donors,  
10 including the United States, that are  
11 specifically related to the FSM national  
12 response to the COVID-19 Pandemic may be used  
13 for nationwide capacity building, intensifying  
14 the surveillance and monitoring of international  
15 airports and seaports in the FSM, expanding and  
16 maintaining quarantine and travel restrictions,  
17 and other national efforts to combat the spread  
18 of COVID-19.

19 (14) Expenditures of the decreed funds are subject to  
20 full accounting. Within 20 days after the end  
21 of the emergency, the Chair of the Task Force,  
22 with the assistance of the Secretary of Finance  
23 and Administration and staff, shall provide the  
24 President with a full report on the expenditure  
25 of funds, and shall submit the report to

1 Congress no later than 30 days after the  
2 emergency is over.

3 (15) The Department of Finance shall identify sources  
4 of replenishment for the decreed funds and  
5 recommend to the President, as soon as  
6 practical, additional supplemental budget  
7 request to Congress.

8 (16) During the emergency, a civil right may be  
9 impaired only to the extent actually required  
10 for the preservation of peace, health or safety.  
11 The normal requirement of competitive bidding is  
12 waived for any procurement made in connection  
13 with this declaration of emergency.

14 (17) Unless sooner revoked by Congress, this  
15 Emergency Declaration is in effect until May 31,  
16 2021.

17 (18) All previous amendments and clarifications to  
18 the Public Health Emergency Declaration are  
19 hereby revoked.

20 BE IT FURTHER RESOLVED, that the President shall  
21 disseminate widely the Public Health Declaration of Emergency as  
22 amended by Congress, and any subsequent decrees and  
23 clarifications made by the President pursuant to this  
24 Resolution; and

25 BE IT FURTHER RESOLVED, that certified copies of this

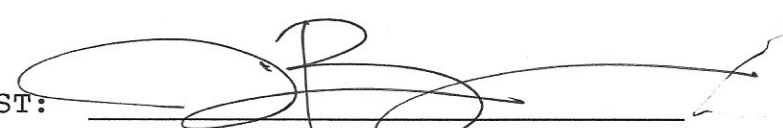
1 resolution be transmitted to the President of the Federated  
2 States of Micronesia, the Chief Justice of the FSM Supreme  
3 Court, the Governors of Chuuk, Kosrae, Pohnpei and Yap States,  
4 the presiding officers of the four state legislatures, and the  
5 heads of the airports and seaports in Chuuk, Kosrae Pohnpei and  
6 Yap.

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10 ADOPTED: March 31, 2021



Wesley W. Simina  
Speaker  
FSM Congress

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15 ATTEST:



Jessicalynn Reyes  
Chief Clerk  
FSM Congress

1 screened thoroughly for any signs or symptoms of  
2 COVID-19, such as feeling tired, difficulty  
3 breathing, hightemperature (fever) and coughing  
4 and/or sore throat.

5 (2) All National border and security personnel  
6 (Customs, Immigration and Quarantine) are under  
7 a duty to intensify monitoring of the borders of  
8 this Nation and work very closely with the  
9 National and State Task Forces to implement a  
10 unified response.

11 (3) Given the severity of the situation, as a matter  
12 of national security of this Nation and in the  
13 interest of maintaining good health and safety  
14 of our people, immediately upon its issuance,  
15 this Decree shall be disseminated to the public  
16 as widely as possible throughout the Nation, by  
17 radio, print media and by digital media. The FSM  
18 Emergency Task Force shall monitor the  
19 implementation, enforcement and full compliance  
20 of this emergency declaration and provide timely  
21 reports to the President.

22 (4) Nationwide, unified travel bans must be  
23 enforced according to the terms of this  
24 declaration. Persons travelling from any  
25 infected country, state or territory, are

1 resolution be transmitted to the President of the Federated  
2 States of Micronesia, the Chief Justice of the FSM Supreme  
3 Court, the Governors of Chuuk, Kosrae, Pohnpei and Yap States,  
4 the presiding officers of the four state legislatures, and the  
5 heads of the airports and seaports in Chuuk, Kosrae Pohnpei and  
6 Yap.

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10 ADOPTED: March 31, 2021

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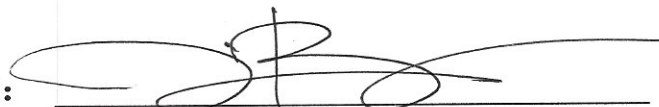
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Wesley W. Simina  
Speaker  
FSM Congress

ATTEST:



Jessicalynn Reyes  
Chief Clerk  
FSM Congress